

Exhibit D

Police Report
February 15, 2023



Hampden Police Department

Officer Report for Incident 23H-00471

Nature: Wanted Out

Address: 89 Western Ave; Hampden Academy

Location: HAMLA

Hampden ME 04444

Offense Codes: WOUT

Received By: Bazinet, C

How Received: T

Agency: HAML

Responding Officers: Devine, S, Mushrall David

Responsible Officer: Devine, S

Disposition: INA 03/03/23

When Reported: 19:16:03 02/15/23

Occurred Between: 19:16:03 02/15/23 and 19:16:03 02/15/23

Assigned To:

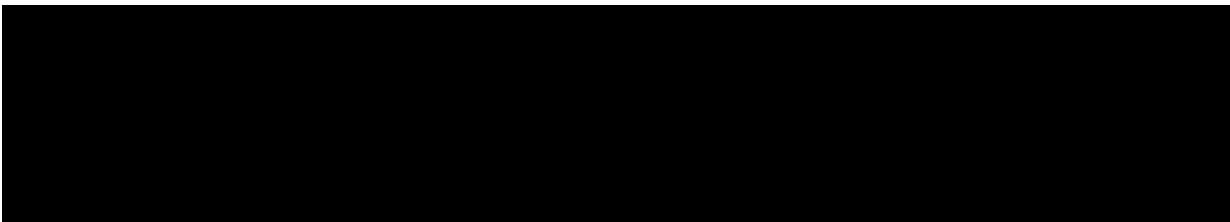
Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**



Offense Codes

Reported: WOUT Person Wanted Out

Observed: WOUT Person Wanted Out

Additional Offense: WOUT Person Wanted Out

Circumstances

Responding Officers:

Unit :

Devine, S

306

Mushrall David

308

Responsible Officer: Devine, S

Agency: HAML

Received By: Bazinet, C

Last Radio Log: 19:42:06 02/15/23 CMPLT

How Received: T Telephone

Clearance: PND Report Pending

When Reported: 19:16:03 02/15/23

Disposition: INA **Date:** 03/03/23

Judicial Status:

Occurred between: 19:16:03 02/15/23

Misc Entry:

and: 19:16:03 02/15/23

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	Relationship
02/15/23	Name	McBrearty, Shawn P	involved
02/15/23	Name	Miller, Heath C	involved
02/15/23	Name	Raymond, Nicholas	involved
<hr/>			
02/15/23	Cad Call	19:16:03 02/15/23 Wanted Out	Initiating Call

Narrative

at 1919 hours PRCC contacted me to report Hampden Academy would like Shawn Mcbreairy removed. Shawn was asked to stop during public participation, is playing recordings and refusing to leave.

At 1920 hours Officer David Mushrall and I arrived at Hampden Academy. We entered the building and met Nick Raymond who is the district Superintendent. Nick advised there is a school board meeting going on and Shawn is refusing to leave, he is playing a recording and accessing the TV. Nick said they gave him opportunity to speak, he was violating the policy so they stopped him. Nick said Shawn was refusing to stop, he was asked to sit down several times and Shawn told him he had the First Amendment right. When Shawn refused to stop they asked Shawn to leave and Shawn said he was staying there. The meeting then went into recess.

Nick advised Shawn was playing a recording of himself talking. Nick said he did this probably three times and then he took over the screen and put a video display up.

I was aware that Shawn had been given a trespass notice for the school so I asked Nick what the status of that was. Nick advised that Federal court ruled it was a violation of his First Amendment rights. Nick said Shawn can participate but he is violating the policy and like anyone else he was asked to stop. Nick told me that Heath Miller who is the chair asked Shawn to stop.

I spoke with Nick and told him that I would speak with Shawn about following the rules and tell him he can stay if he does follow the rules. Nick said that would be fine but also wanted me to speak with Shawn about streaming on the TV. I asked Nick if they could block the streaming and he said they cant, its open and they have another presentation. Nick then said they can turn it off and when the need it they can turn it back on but Shawn probably could over ride it.

Officer Mushrall and I then went into the library to speak with Shawn and Heath. I introduced myself to Shawn and asked if we could talk and motioned to leave the room and he said he wanted to talk there. I asked Shawn what was going on and Shawn said Heath Miller was willfully violating his constitutional rights to free speech to address grievances. Shawn said Heath already lost Federal lawsuit to him about this. Shawn said Heath cut him off about half way through on the live feed that goes out to the community. Shawn said he deserves his three minutes of public comment and then will leave the building.

Heath then spoke up and said that he had violated the policy and Shawn was warned. Shawn said the policy is repugnant to the Constitution. Heath said Shawn mentioned employee names. and was warned but Shawn continued to do it. Mentioning employee names is against policy. Shawn said the policy is repugnant to the Constitution, we (Police) signed an oath to protect the Constitution so his policy doesn't mean anything. He continued to say the Federal Lawsuit ruled that the only thing Heath can control is place, time and manner. Shawn said he can say what ever he wants about whomever he wants as long as it doesn't incite violence because that wont be covered under the Constitution.

I then went over to speak with Heath. I told Heath that Nick had told me that if Shawn follows the rules he could stay, heath said that they had warned Shawn and he is completely disrupted the meeting to the point they stopped and would have to continue it at another time. Heath advised before the public portion he reads the policy and the list of bullet points. Heath read one that says in substance no confidential personal information wont be shared about persons employed at

the school. Complaints and allegations will be aloud at board meetings about concerning any person employed by the school or students. Heath said Shawn played a recording of himself which is perfectly fine and he let him do it until he mentioned a teachers name and an allegation towards that teacher, Heath then told him to sit down and Shawn then mentioned another staff members name in a negative manner. He then told Shawn he could not continue.

I then went back to Shawn and told him that naming staff is against police and Shawn said its repugnant to the constitution. He advised Heath was voted in by the people of Newburgh and signed an oath.

Officer Mushrall said what would be your next step if he violated his rights and Shawn said sue him.

Shawn wanted us to have Heath say on the record that Heath is willfully violating his first Amendment right and Officer Mushrall advised he wasn't going to tell him to phrase anything a certain way. Shawn then said he wanted his time back and Officer Mushrall advised they aren't giving him the rest of his time.

I then talked to Nick to clarify if he wants Shawn to stay or leave the meeting. Nick advised that if Heath says he needs to leave then he needs to leave.

I then told Shawn that Nick does want him to leave. Shawn asked if Nick is the superintendent and I said yes. Shawn asked on what charge and I said that Heath wants him to go because he is not following the rules of the meeting. Shawn asked if he said no what will happen, he said lets push it. I told Shawn we don't want to have to make him leave and he said are you sure, I responded with I'm positive. Shawn said I (Me) am in a rock and a hard place because I have an oath to the constitution and I know ill lose in court if I put hands on him. I then said lets not do that. Shawn said he wants the Chair to restart the meeting and if he feels he cant continue the meeting because he doesn't want to follow the constitution then he needs to end the meeting and everyone can go on there merry way. Shawn said he should be able to stay for other public comments and then maybe he will decide to leave. I advised Nick Raymond is telling me that they want him to go.

Shawn said that he (Heath) asked him to leave but did we ask him to leave. I said yes we are asking him to leave. He then said he is refusing him but he wont refuse us. I then asked Shawn if he would leave and he said yes.

We then walked out with Shawn.

Responsible LEO:

Approved by:

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Date

Name Involvements:

involved : 40852

 Last: McBrairy

 DOB: [REDACTED]

 Race: W Sex: M

 First: Shawn

 Dr Lic: 1010183

 Phone: (207)408-7855
 cell

 Mid: P

 Address: 443 Main Rd N

 City: Hampden, ME 04444

involved : 108551

 Last: Miller

 DOB: [REDACTED]

 Race: W Sex: M

 First: Heath

 Dr Lic: [REDACTED]

 Phone: [REDACTED]

 Mid: [REDACTED]

 Address: [REDACTED]

 City: [REDACTED]

involved : 545202

 Last: Raymond

 DOB: [REDACTED]

 Race: W Sex: M

 First: Nicholas

 Dr Lic:

 Phone: [REDACTED]

 Mid:

 Address: [REDACTED]

 City: [REDACTED]